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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/596,465

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Koichi Shimamura

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54004

7590

12/15/2009

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EXAMINER

ZHU, BO HUI ALVIN

ART UNIT

PAPER NUMBER

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/596,465	<b>Applicant(s)</b> SHIMAMURA ET AL.	
	<b>Examiner</b> BO HUI A. ZHU	<b>Art Unit</b> 2465	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 4-7 and 9-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-7 and 9-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment filed on August 31, 2009 has been entered.

Claims 4 – 7 and 9 - 19 are pending.

Claims 4 – 7 and 9 - 19 are rejected.

The objection to claim 4 has been withdrawn in view of the amendment to the claim.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "receiver section" "converter section" and "synchronizer section" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

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of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 4 – 7 and 9 - 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent claim 4 is indefinite because it is unclear what is meant by "presence information is compatible with the other of: the first system and the second system"

Independent claims 9 and 14 contain similar language as claim 4 and are rejected for the same reason above.

All of the dependent claims of claims 4, 9 and 14 are rejected as well for the same reason.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4, 5, 9, 10, 13 – 15 and 17 - 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. "XMPP CPIM Mapping draft-miller-xmpp-cpim-00" in view of Boyer et al. (US 2005/0068167).

(1) with regard to claims 4 and 14:

Miller et al. discloses a gateway apparatus (CPIM Gateway, page 4) comprising: a receiver section that receives first presence information for a given user from one of the first system (and the second system when the presence information of the given user is changed (section 4.2.2., When sending a presence notification from CPIM to XMPP, Fig. 11); a converter section that converts the first presence information to second presence information (section 4.2.2, paragraph under the heading "When sending a presence notification from CPIM to XMPP" describes a conversion process); and a synchronizer section that provides the second presence information to the other of the first system and the second system, wherein the second presence information synchronizes the presence information of the given user in the first system and the second system (section 4.2.2., When sending a presence notification from XMPP to CPIM, Fig. 11).

Miller et al. does not disclose the second presence information is compatible with the other of the first system and the second system.

Boyer et al. discloses a user can have different presence information in a system (Fig. 4, presence status 440, i.e. BUSY, AWAY, ONLINE).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Miller to include the feature of the second presence information is compatible with the other of the first system and the second system as shown in Boyer et al. in order to maintain the presence status of a user.

(2) with regard to claims 5, 10 and 15:

Miller et al. discloses all of the subject matter as discussed in the rejection of claim 4. Miller et al. further discloses a presence conversion table associating presence information of the first system with the presence information of the second system, wherein the converter sector uses the presence conversion table to convert the first presence information to the second presence information (4.2.2., page 11, translation from XMPP to CPIM, and from CPIM to XMPP).

(3) with regard to claims 9, 17 and 18:

Miller et al. discloses a system (page 4) comprising: a presence server (CPIM-Compliant Service, page 4); a gateway apparatus (CPIM-Gateway, page 4) that connects a first system (CPIM-Compliant Service, page 4) having the presence server and a second system (XMPP Service, page 4) providing another presence system, the gateway apparatus including: a receiver section that receives first presence information for a given user from one of the first system (and the second system when the presence

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information of the given user is changed (section 4.2.2., When sending a presence notification from CPIM to XMPP, Fig. 11); a converter section that converts the first presence information to second presence information (section 4.2.2, paragraph under the heading “When sending a presence notification from CPIM to XMPP” describes a conversion process); and a synchronizer section that provides the second presence information to the other of the first system and the second system, wherein the second presence information synchronizes the presence information of the given user in the first system and the second system (section 4.2.2., When sending a presence notification from XMPP to CPIM, Fig. 11), wherein the presence server (CPIM-Compliant Service) manages the presence information of the given user by at least one of: reporting the presence information of the given user to the second system, via the gateway apparatus, when the presence information of the given user is changed in the first system (see section 4.2.2., When sending a presence notification from CPIM to XMPP, Fig. 11) and updating the presence information of the given user in the first system when a report that the presence information of the given user has changed is received from the second system via the gateway apparatus(see section 4.2.2., When sending a presence notification from XMPP to CPIM, Fig. 11)

Miller et al. does not disclose the second presence information is compatible with the other of the first system and the second system.

Boyer et al. discloses a user can have different presence information in a system (Fig. 4, presence status 440, i.e. BUSY, AWAY, ONLINE).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Miller to include the feature of the second presence information is compatible with the other of the first system and the second system as shown in Boyer et al. in order to maintain the presence status of a user.

(2) with regard to claims 5, 10 and 15:

Miller et al. discloses all of the subject matter as discussed in the rejection of claim 4. Miller et al. further discloses a presence conversion table associating presence information of the first system with the presence information of the second system, wherein the converter sector users the presence conversion table to convert the first presence information to the second presence information (4.2.2., page 11, translation from XMPP to CPIM, and from CPIM to XMPP).

(3) with regard to claims 13 and 19:

Miller et al. discloses all of the subject matter as discussed in the rejections of claim 9. Miller et al. however does not disclose reporting updated presence information to buddies of the given user, wherein the buddies are in at least one of the first system and the second system.

Boyer et al. teaches reporting updated presence information to buddies of a given user wherein the buddies are in at least one of the first system and the second system (paragraph [0025]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Miller et al. to include the feature of reporting updated presence information to buddies of the given user, wherein the



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buddies are in at least one of the first system and the second system as shown in Boyer et al. in order to keep the presence information of the buddy list buddy list of a instant messaging client current.

7. Claims 6, 7, 11, 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. "XMPP CPIM Mapping draft-miller-xmpp-cpim-00" in view of Rosenberg et al. "SIP Extensions for Presence"

(1) with regard to claims 6, 7, 11, 12 and 16:

Miller et al. discloses all of the subject matter as discussed in the rejections of claims 1 and 4. Miller et al. however does not disclose the second system is a SIP-compliant IP telephone system, and synchronization of presence information is established with the SIP-compliant IP telephone system through the mutual transmission of an SIP SUBSCRIBE method.

Rosenberg et al. teaches an SIP-compliant IP telephone system, and synchronization of information is established through the mutual transmission of an SIP SUBSCRIBE method (section 7.1, page 12 - 14; section 7.2, page 14 - 16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Miller et al. to include the feature of an SIP-compliant IP telephone system, and synchronization of presence information is established through the mutual transmission of an SIP SUBSCRIBE method as shown in Rosenberg et al. in order to support subscriptions and notifications of user presence for SIP-compliant systems.

***Response to Arguments***

8. Applicants' arguments with respect to claim 4 have been considered but are moot in view of the new ground(s) of rejection necessitated by applicants' amendments.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BO HUI A. ZHU whose telephone number is (571)-270-1086. The examiner can normally be reached on Mon-Thu 10am-6pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571)-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. A. Z./  
Examiner, Art Unit 2465

/Jayanti K. Patel/  
Supervisory Patent Examiner, Art Unit 2465